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JAN 27 2015	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

ALYSSA IRENE GORHAM, an individual;

Plaintiff,

vs.

MICHAEL STEPHENS, an individual,

Defendant

Case No. 2:13-cv-01337-JCM-NJK

**ORDER GRANTING PERMANENT
INJUNCTION**

In an Order dated November 25, 2014 (Doc. 38), this Court granted a default judgment and a permanent injunction in accordance with the preliminary injunction granted on August 12, 2013 (Doc. 38) and the evidence submitted in the proceedings leading to the issuance of the preliminary injunction. This Order sets forth the Permanent Injunction.

THE COURT FINDS AND CONCLUDES THAT:

1. This court has subject matter jurisdiction pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331 and 1338.

2. The court has personal jurisdiction over Defendant and that Defendant resides in the State of Nevada and/or Defendant committed tortuous acts that he knew or should have known would cause injury to plaintiff in the State of Nevada.

3. Plaintiff's legal name is Alyssa Irene Gorham. Plaintiff has made extensive use of the FORTUNE AFFAIRS marks in relation to event planning services and marketing materials, and has obtained a Nevada state registration for FORTUNE AFFAIRS.

1 4. Defendant had registered the infringing domain names incorporating Plaintiff's legal and
2 business names.

3
4 5. Defendant had linked these domain names to a website displaying negative information
5 concerning Plaintiff and invited others to submit negative information to the website's operator – the
6 Defendant.

7 6. Defendant used Plaintiff's marks as part of the internet domain names
8 <www.fortuneaffairs.com>, <www.alyssairene.com> and <www.alyssafortune.com> without
9 Plaintiff's authority or permission.

10
11 7. Defendant posted negative photographs and other materials concerning the plaintiff on the
12 Internet and linked these negative materials to the infringing domain names using Google.com and/or
13 Google Images and other search engines.

14 8. A person shall be liable in a civil action by the owner of a mark if that person has a bad faith
15 intent to profit from that mark, and registers, traffics in, or uses a domain name that is: (1) identical or
16 confusingly similar to a mark that is distinctive at the time of the domain registration; or (2) identical
17 or confusingly similar to or dilutive of a mark that is famous at the time of the use of the domain
18 registration. 16 U.S.C. § 1126(d).

19
20 9. After consideration the motions and evidence presented in the plaintiff's complaint, and
21 accompanying exhibits, and in the other papers on file in this case, the court finds and concludes
22 plaintiff has claims under the Lanham Act that Defendant used the <www.fortuneaffairs.com>,
23 <www.alyssairene.com> and <www.alyssafortune.com> domain names with a bad faith intent to
24 profit from the FORTUNE AFFAIRS mark and that the <www.fortuneaffairs.com>,
25 <www.alyssairene.com> and <www.alyssafortune.com> domain names are confusingly similar to the
26 Plaintiff's mark, which was distinctive or famous at the time of the domain registrations.

27 10. Plaintiff has claims against Defendant for cybersquatting under the Lanham Act, 15 U.S.C.
28 § 1125(d).

1 11. Plaintiff also has trademark infringement claims against Defendant under the Lanham Act,
2 15 U.S.C. § 1114.

3
4 12. Plaintiff also has unfair competition claims against Defendant under the Lanham Act, 15
5 U.S.C. § 1125(a).

6 13. Plaintiff will suffer irreparable injury if the court does not prohibit the use of the
7 <www.fortuneaffairs.com>, <www.alyssairene.com> and <www.alyssafortune.com> infringing
8 domain names by Defendant.

9
10 14. Plaintiff will suffer irreparable harm if defendant could transfer the infringing domain
11 names to another registrant or registrar or set up new websites in a similar manner to disseminate the
12 same material.

13 15. Plaintiff has demonstrated that she will suffer irreparable harm if search engines or web
14 servers assist dissemination of the Defendant's negative images and allegations concerning the
15 Plaintiff.

16
17 16. There is no likelihood of harm to the Defendant or the public from the permanent
18 injunction now being granted.

19 17. The Declaration of Patrick Dehkordi (Doc. 26) sets forth that the defendant had not
20 merely published the material on the web in a standard manner. The defendant had used deceptive
21 means to inflate the search results through artificial backlinks coming from hundreds of rogue
22 websites to link false and defamatory material with Plaintiff and to increase the likelihood of her name
23 and the objectionable websites appearing in popular search engines.

24
25 18. The Declaration of Patrick Dehkordi also documents the ways in which Google, Yahoo,
26 and Microsoft as search engines and Hosting 24 as the owner of the serving computer were able to
27 take down the websites with the Defendant's negative materials.
28

1 IT IS FURTHER ORDERED that, pursuant to 15 U.S.C. § 1125(d)(1)(C), the domain names
2 <www.fortuneaffairs.com>, <www.alyssairene.com> and <www.alyssafortune.com> shall be
3 immediately locked and/or remain locked by the registrar and/or its successor registrars from use by
4 anyone other than the Plaintiff;

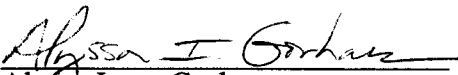
5
6 IT IS FURTHER ORDERED that defendant, his respective officers, agents, servants,
7 employees and/or all persons acting in concert or participation with him, or any of them, are prohibited
8 (1) from using plaintiff's trademarks or confusingly similar variations thereof, alone or in combination
9 with any other letters, words, letter strings, phrases, or designs, in commerce or in connection with any
10 business or for any other purpose (including, but not limited to, on websites and in domain names);
11 and (2) from registering, owning, leasing, selling or trafficking in any domain names containing
12 plaintiff's trademarks or confusingly similar variations thereof, alone or in combination with any other
13 letters, words, letter strings, phrases, or designs.

14 IT IS FURTHER ORDERED that on the basis of this permanent injunction, any new infringing
15 website in the future shall be prohibited from showing the Defendant's negative materials just as the
16 websites identified in this case have been disabled (as described in the Declaration of Patrick Dehkordi
17 and Paragraph 18 of this Order).

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21 Dated January 30, 2015.


UNITED STATES DISTRICT JUDGE

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23 Submitted by

24 
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